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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 SHANNON LEWIS AVERY, SR.,

1:07-cv-1175 OWW WMW (PC)

16 Plaintiff,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(DOCUMENT #4)

DIRECTOR OF CDCR, et al.,

16 || Defendants.

18 Plaintiff has requested the appointment of counsel. The United States Supreme Court
19 has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983
20 cases. Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109
21 S.Ct. 1814, 1816 (1989). In certain exceptional circumstances, the court may request the voluntary
22 assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Rand v. Rowland, 113 F.3d 1520, 1525 (9th
23 Cir. 1997). Without a reasonable method of securing and compensating counsel, this court will seek
24 volunteer counsel only in the most serious and exceptional cases.

25 In the present case, the court does not find the required exceptional circumstances. See
26 Rand, 113 F.3d at 1525. Even if it is assumed that plaintiff is not well versed in the law and that he has
27 made serious allegations which, if proved, would entitle him to relief, his case is not exceptional. This
28 court is faced with similar cases almost daily. Therefore, plaintiff's request for the appointment of

1 counsel shall be denied.

2 In accordance with the above, plaintiff's request for the appointment of counsel is
3 HEREBY DENIED.

4 IT IS SO ORDERED.

5 Dated: August 21, 2007

/s/ William M. Wunderlich
6 UNITED STATES MAGISTRATE JUDGE

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